

Michael A. D'Antonio
Plaintiff Pro Se
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4/27/2017

By Facsimile to 973-645-3020 and Regular Mail

Magistrate James B. Clark
U.S. District Court
50 Walnut Street
Newark NJ 07101

CLERK
U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
RECEIVED
2017 MAY -1 A 10:05

Re: D'Antonio vs Borough of Allendale et als
Docket No: 2016 -cv-00816-CCC-JBC

Dear Judge Clark and Judge Cecchi,

It has been almost a month since the last Conference call. At that call, Judge Clark and I had a discussion, where in, he stated to send a letter requesting an Order for the Default of Mr. Monahan and Mr. Capazzi. Upon sending the letter Judge Clark's clerk stated that I had to file a Motion for Leave of the Court to grant an Order for the Clerks Office to file the Default.

Could you please expedite this request, it has been over one year since the original default of the two named Defendants.

This morning I filed a reply Certification in Opposition to the Borough of Allendale's Brief to dismiss my Amended Complaint. The Brief was void of any citations or precedents. It has attached to it 2 new Property Transfer Cards regarding the Levin Property that the Borough claimed was sold to the PRC 4 years ago. After I filed this morning, my thoughts were that this is additional new evidence to prove the actions of the Borough and the PRC and the Attorneys for Borough of Allendale, in collusion to hide an attachable asset. No additional contracts, deeds or transfers of moneys were submitted by either party, PRC or Borough of Allendale or Ms. McDonnell. She just submits it, knowing, that this evidence or facts are 2 weeks after I filed my Civil Rights Complaint, which indicates an undisclosed "SECOND SALE" to the Passaic River

Coalition. some 3 years after the first sale.

This causes several problems to all defendants with regard to this issue;

1. It perpetuates the Fraud from the inception of their responses, the Allendale Defendants, the PRC, and the Attorneys who violate the Rules.
2. Allendale stated that only 12.093 acres were sold, see Exhibit "1" at the bottom center of this exhibit, is the date of transfer 04/30/13.
3. Exhibit "2", shows 2 more parcels were transferred to the PRC on March 1, & 2, 2016.
4. Exhibit "3" shows 2 parcels were transferred to the Borough of Allendale from Allendale Park Estates, which was declared defunct and contradicts all facts by former Mayor Barra's Certification, May 20, 2013 Exhibit "4".
5. Brian Confino Esq. on behalf of the Passaic River Coalition signs a brief and certification, attached to a Motion filed 04/13/17, document [105], page 4, paragraph 2, which, states that the property was sold by the Borough of Allendale to the Passaic River Coalition on March 24, 2011 see Fraenkel cert. Exhibits, 25 & 28 plus Mayor Vincent Barra cert. Plaintiff requests discovery under R. 26 to obtain the contracts, deeds and transfers of moneys. Allendale received \$320,000.00 no matter what, which, made the town whole for the tax arrears, which were obtained outside the appropriate legal procedures under Rules and Statutes of this State. The Balance of Land and or Moneys are deemed surplus and must be returned to Levin to be attached by this Plaintiff.
6. Based on this "**NEW**" submission in the Borough of Allendale's brief, filed April 26, 2017, [no original signature by either attorney was on the brief or certification].Plaintiff requests a dismissal of any and all defenses against the Borough of Allendale and the PRC, and partial Judgment against both, as You and Judge Cecchi deem just and appropriate. Plaintiff requests pre-judgment interest trebled due to fraud, based on the assessed values of the property not being abled to be collected upon from past opposition of the named Defendants Borough of Allendale and the named attorneys Bole, Pfund McDonnell and Stiles Thomas.
7. The Passaic River Coalition must reimburse Plaintiff for prejudgment interest, trebled due to fraud, on financial injuries sustained by Plaintiff, as they are accomplices in

colluding the concealment of land that was approved for 34 houses and further determined by the Army Corp of Engineers to be approved as Uplands and not Wetlands. The PRC could have refused to be part of this illegal transfer but they agreed to submit a fraudulent Appraisal [see appraiser's waiver in the body of the appraisal] and then agreed or don't know that Allendale submitted this with out their knowledge or consent. Plaintiff requests Rule 26 discovery to discern the level of involvement of the PRC and to aid the Court in a determination of damages deemed just and fair and or any other relief the Court may decide to grant.

8. Due Process was denied by the Borough of Allendale and Plaintiff D'Antonio suffered dual damages as a member of the Public and as Plaintiff in Succession of Calm plus there was a Lis Pendens filed on this property by D'Antonio when no notice to the public was given for the In Rem Tax Foreclosure.

9. Due Process is necessary before the State disturbs any significant property interest. No notice to the public violates procedural Rules of an In Rem foreclosure but also Due Process rights. There are no Degrees of Property Interests, instead due process protects all property interests, luxuries as well as necessities. Plaintiff relies on Justice Harlan's decision in *Snaidach v Family finance Corp.* McCormack federalism Sect. 1983 Limitations on Judicial Empowerment of Constitutional protection 60 Va. L. rev 1 (1974) C. Antieau Federal Civil Rights Act Civil practice (1971) 395. U.S. 337. 342 (1964), *Fuentes v Shevin*, 407 U.S. 67 (1972).

10. Justice Harlan says if a Constitutionally cognizable interest in the use of the property was affected, prior notice and opportunity for a hearing were required. The Borough of Allendale and the PRC commiserated several times over the course of years. Now in the presence of NEW Evidence submitted by Counsel for the Borough of Allendale and the additional Brief of Mr. Confino apparently all parties have violated Justice Harlan's Decision. All Plaintiff's have violated Plaintiff's due process rights.

11. Did Ms. Fraenkel violate her duties as an Officer of the Court. I can only reason that Mr. Confino is being involved due to Ms. Fraenkel knowing of the new Sale and can not submit a certification with this new or prior knowledge that she with held from this Plaintiff and the Court.

Attached as **EXHIBIT "5"** Is a copy of transmission verification report showing that I attempted to send this letter to Judge Clark's fax line. In speaking with Judge Clark's Law Clerk He states that I am not allowed to send faxes any more and that all submissions should be submitted directly to the Clerk's Office.

CERTIFICATION

I certify that the forgoing statement made by me are true. I am further aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Please enter this on the ECF System as Notice to all Defendants and parties related in this matter.

Dated: 4-27-2017



Michael A. D'Antonio

I certify that I mailed a Copy of this letter to the Clerk's Office, District Court District of New Jersey U.S. District Court, 50 Walnut Street Newark NJ 07601.

Dated: 4-27-2017



Michael A. D' Antonio

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ATTACHED AS
EXHIBIT "2"

[illegible]

WINNE, DOOLEY & BOLE, P.C.
240 FRISCH COURT
SUITE 102
PARAMUS, NEW JERSEY 07652
(201) 368-8889
Attorney(s) for Defendant(s)
Borough of Allendale

EMIGRANT MORTGAGE CO.

Plaintiff

vs.

CALM DEVELOPMENT, INC

Defendant

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
BERGEN COUNTY
GENERAL EQUITY PART

DOCKET NO.: F-47234-09

Certification of
Mayor Vincent J. Barra

Vincent J. Barra of full age, hereby certifies as follows:

1. I am the Mayor of the Borough of Allendale ("Allendale"). I have personal knowledge of the facts of this matter and I am authorized to make this certification.
2. I have reviewed the Notice of Motion, Certification of Michael D'Antonio ("D'Antonio Certification") with attached exhibits. There are several misstatements in the D'Antonio Certification.
3. Lot 17.01 in Block 1906 ("the Property") was originally acquired along with additional lands by virtue of a tax foreclosure judgment entered on May 1, 2008 in the Superior Court, Chancery Division, Bergen County under Docket No. BER-F-20526-07. The Property was created by a minor subdivision deed dated June 25, 2009 and recorded in the Bergen County Clerk's office on July 10, 2009.
4. The Borough of Allendale conveyed the Property to the Passaic River Coalition ("PRC") on March 24, 2011 in consideration of \$321,500.00, which represented the unpaid taxes due on the property.

5. The property had a land size of 20.738 acres. This acreage is recited in the Deed description of the property (see Exhibit A attached). It is also confirmed by the Green Acres survey of the property (Exhibit B attached) which recited 20.738 acres. The appraisal of the property also confirms 20.738 acres. (Pertinent portions of which are attached as Exhibit C). The Deed, survey and appraisal were ordered and approved by Green Acres and Bergen County Open Space that provided the funding to the PRC for the purchase.
6. Allendale retained a very small parcel (about $\frac{1}{2}$ to $\frac{3}{4}$ of an acre), not 8 acres as stated in the D'Antonio Certification.
7. Neither Jack Levin nor his related, defunct companies own any property in Allendale. Hence, there is nothing to attach.
8. Exhibit G to the D'Antonio Certification is a letter of Judge Doyme to Mark S. Carter, Esq. dated April 18, 2013. I have verified that neither David Bole, Municipal Attorney, nor David Pfund, Defense Council for Allendale, were never served with this letter as directed by the Court.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false I am subject to punishment.

DATED: May 20, 2013



Vincent J. Barra

Dear Judge Clark and Judge Cecchi,

It has been almost a month since the last Conference call. At that call we had a discussion where in you stated to send a letter requesting an Order for the Default of Mr. Monahan and Mr. Capazzi. Upon sending the letter your clerk stated that I had to file a Motion for Leave of the Court to grant an Order for the Clerks office to file the Default.

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STANDARD

TIME : 04/27/2017 03:42PM
NAME : MICHAEL D'ANTONIO
FAX : 201-760-0757
TEL : 201-760-1203
SER.# : U630888F2N143787

TRANSMISSION VERIFICATION REPORT